

### **REMARKS**

Claims 1, 5-9, 13-15, 17, 20, 21, 26, 30 and 33-35 are pending in the application. Favorable reconsideration is respectfully requested in light of the following Remarks.

The Office action rejects Claims 1, 5-9, 13-15, 17, 20, 21, 26, 30 and 33-35 under 35 U.S.C. 103(a) over Chakraborty et al. (U.S. Published Application No. 2004/0186804, hereinafter "Chakraborty") in view of Shu-Heng Chen ("Genetic Algorithms and Genetic Programming in Computational Finance", hereinafter "Chen"), and further in view of Kauffman (U.S. Publication Application No. 2001/0032029, hereinafter "Kauffman"). The rejection is respectfully traversed.

It is respectfully submitted that the present application and the Chakraborty reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to General Electric Company. Accordingly, an Affidavit under 37 C.F.R. §1.130 disqualifying the commonly owned Chakraborty reference as prior art is attached hereto. In addition, a terminal disclaimer in accordance with 37 C.F.R. §1.321(c) is attached hereto. Accordingly, Applicant respectfully request that the Chakraborty reference be removed from consideration under 35 U.S.C. §103(c).

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Vezzeris believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 07-0868 in the name of General Electric Company.

Appl. No. 10/781,871  
Response to final Office action dated February 19, 2009  
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Telephone: (810) 227-9077

Attachment: Affidavit Under 37 CFR 1.130

Respectfully submitted,

/Peter J. Rashid/

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Peter J. Rashid  
Reg. No. 39,464